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SUBJECT: BULGARIA: 2007 ANTI-TRAFFICKING IN PERSONS (TIP) REPORT

REF: STATE 3836

¶1. SUMMARY: This cable provides Embassy Sofia's input for the seventh annual Anti-Trafficking in Persons (TIP) report. Bulgaria is primarily a country of origin and transit, and to a lesser degree a country of destination for human trafficking. The past year has seen the appointment of the new Executive Secretary to the National Anti-Trafficking Commission, and continued cooperation between law enforcement and NGOs in countering trafficking. The government has continued to implement anti-trafficking legislation and related regulations, and utilized witness protection legislation to protect victims of trafficking. Primary point of contact on trafficking is Political Officer Anna Radivilova (radivilovaa@state.gov, tel: +359 2937 5276, fax: +359 2937 5320). Approximately 50 hours of staff time were required for the completion of this report. END SUMMARY.

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OVERVIEW  
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¶A. Bulgaria is primarily a country of origin and transit, and to a lesser extent a country of destination for trafficking in persons. Law enforcement officials reported an increase in cases of Bulgarian citizens trafficked abroad. Internal trafficking exists, and like cross-border trafficking, is primarily for purposes of sexual exploitation.

Most victims trafficked from or through Bulgaria are sent to Germany, Belgium, France, Italy, and other Western European countries. Bulgarian victims are also trafficked to destinations in the Balkans - Greece, Turkey, and Macedonia. The business of prostitution in these areas has traditionally centered around bars and nightclubs, but NGOs report that law enforcement pressure has caused a shift toward call-girl operations managed from private apartments. Because they operate away from the public eye, such prostitution networks are harder for NGOs and law enforcement to monitor and may contribute to a less clear picture of intra-Balkan trafficking networks.

The prosecution service reported 329 victims of trafficking in 2006, of them 252 were women, 15 were men, 61 girls and 1 boy under the age of 18. The prosecution service's definition of trafficking-related crimes includes offenses such as enticement into forced prostitution. According to the prosecution service, there were 139 victims of enticement into forced prostitution, of which 113 were women, 2 men, 22 girls and 2 boys under the age of 18.

The International Organization for Migration (IOM) reported assisting 82 victims in Bulgaria in 2006, compared to 70 victims assisted in 2005. Of the victims assisted in 2006, 4 were foreign women trafficked to or through Bulgaria, and 24 were minors.

The General Directorate for Combating Organized Crime (GDBOP) of the Ministry of Interior (MOI) heads an Anti-Trafficking Task Force, which gathers official information from all MOI units on trafficking investigations. The Supreme Cassation Prosecution Service gathers information from all prosecution offices on all trafficking-related cases from their initiation through sentencing. The Ministry of Justice (MOJ) gathers information on all trafficking-related cases from courts, and coordinates its reporting with the Supreme Cassation Prosecution. The IOM maintains information on the number of trafficking victims based on cases it has actually assisted in its centers. NGOs (including the Nadja Centre Foundation (NCF) and AAF) also maintain information on the number of trafficking victims that they have actually assisted in their centers.

Young women aged between 18 and 24 were most vulnerable to be trafficked, according to the GDBOP, IOM and NGOs. Also, the IOM and the NCF identified those with lower education and those with problematic family relations as groups more at risk of being trafficked. Minorities, particularly Roma, were more vulnerable to trafficking: Roma accounted for over one-third of trafficking victims, much higher than their estimated population proportion of between 6 and 7 percent. Roma children were particularly vulnerable to internal and external trafficking for purposes of begging and delinquency.

¶B. Bulgarian trafficking victims tend to come from regions with high unemployment and poor economic conditions. The NCF noted higher numbers of victims originating from the southwest and the northeast of the country. The GDBOP and IOM reported that foreign victims came from Romania, Moldova, Russia, Ukraine, Armenia,

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Lebanon and Central Asia. The GDBOP identified Germany, Italy, the Netherlands, Greece, Turkey, Belgium, France, Spain, Austria, the Czech Republic, Poland, Macedonia as destinations for victims trafficked from and through Bulgaria.

Foreign victims were principally recruited through promises of work, while Bulgarian victims were most often recruited through close friends or acquaintances. Both Bulgarian and foreign victims of trafficking generally traveled using genuine rather than forged documents. This was universally true in cases involving Bulgarian citizens, who do not require visas to travel to the EU.

Political will to combat trafficking remained strong in 2006; however, formal implementation of the National Strategy for Combating Human Trafficking was delayed until the government appointed a new Executive Secretary to the run the day-to-day operations of the National Anti-Trafficking Commission in December 2006. The previous Secretary had left the position in June 2006.

1C. Officials at high levels of government are committed to combating trafficking and implementing effective rule of law; however, the government's ability to address the problem effectively is hampered by lack of resources and corruption. There is no wide-ranging pattern of corruption related to trafficking in persons, however low salaries and lack of resources expose individual border and customs officials to bribes and threats from criminal groups involved in trafficking.

1D. According to the Bulgarian anti-trafficking legislation, the National Anti-Trafficking Commission is supposed to systematically monitor the government's anti-trafficking efforts and implement the overall anti-TIP strategy. In the absence of the Executive Secretary of the Commission, the prosecution service and

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investigators provided the most reliable trafficking statistics. While individual ministries and agencies continue to report annual statistics on trafficking, it is hoped that the newly-activated Secretariat will succeed in harmonizing statistical collection and

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standardizing reporting on trafficking issues.

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PREVENTION  
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1A. The GOB acknowledges that trafficking is a problem.

1B. The Ministry of Interior (MOI), Ministry of Justice (MOJ), Ministry of Labor and Social Policy (MLSP), Ministry of Health (MOH), Ministry of Foreign Affairs (MFA), Ministry of Education, State Agency for Child Protection (SACP), Central Commission for Combating Juvenile Delinquency, Supreme Court of Cassation, Supreme Cassation Prosecution and National Investigation Service (NIS) are all involved in anti-trafficking efforts and are represented on the National Anti-Trafficking Commission.

1C. With the support of the government and local authorities, the IOM and the Bulgarian Red Cross have conducted a successful "Open Eyes" campaign, which aims to increase awareness of trafficking among high-risk communities. NGOs such as Face to Face Bulgaria and CARE Bulgaria cooperated with local educational officials to screen trafficking awareness films and distribute anti-trafficking materials. The AAF organized an international film festival with films depicting trafficking and its consequences. The National Border Police, with the support of DOJ, developed a short film and training module used to educate front-line officers on identification, interviewing, and assistance of trafficking victims. The Bulgarian Ministry of Foreign Affairs continued to implement a trafficking awareness program aimed at standardizing identification and referral procedures for victims of trafficking by Bulgarian consular officers posted abroad.

1D. The government, through the Ministry of Labor and Social Policy (MLSP), has implemented an extensive program designed to encourage school attendance by providing hot milk and breakfast to children across the country in the first through fourth grades. Children also receive free textbooks in order to allow even the poorest children to attend. The MLSP continued to implement programs aimed at helping women develop entrepreneurial skills and become economically self-sufficient. A World Bank-financed project run by the MLSP funded social service centers at ten locations throughout the country that provided daycare and counseling services to single mothers and their children. The State Agency for Child Protection continued to implement the National Strategy for the Children of the

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Street. This program included putting street children in protective custody and providing them with educational and psychological support.

1E. NGOs and international organizations such as the IOM report excellent cooperation with law enforcement colleagues and other government contacts. The government does not allocate direct funding to such groups, but works with them closely on identification, referral, and assistance to victims of trafficking. NOT FOR PUBLIC DISTRIBUTION: NGOs and government officials also cooperate to facilitate prosecution of trafficking perpetrators by providing witness protection and assistance to victims of trafficking who testify against their traffickers.

1F. Effective monitoring of immigration and emigration patterns is hampered by the fact that travel between Bulgaria and its neighbors as well as to the EU is largely visa-free. In addition, the overall number of trafficking victims is a tiny fraction of the hundreds of thousands of Bulgarian citizens working abroad legally. The National Border Police actively monitors airports and land border crossings for evidence of trafficking in persons; however, with Bulgaria's membership in the EU, passport control for EU citizens is

becoming less stringent.

G The National Anti-Trafficking Commission, instituted at deputy ministerial level with the 2003 counter trafficking legislation, is responsible for coordinating and monitoring all anti-trafficking activities throughout the country. An inter-ministerial anti-corruption commission, headed by the Minister of Interior, coordinates the efforts of each government agency's internal inspectorate in fighting public corruption and also engages in public awareness campaigns.

H. The government's current National Strategy for Combating Human Trafficking has been in effect since July 20, 2006. It was developed in consultation with all relevant government agencies, as well as NGOs and the IOM. The strategy has been disseminated to all relevant implementing partners.

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INVESTIGATION AND PROSECUTION OF TRAFFICKERS  
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A. In 2002, amendments were adopted to the Criminal Code that set specific punishments for trafficking. Section 159.A of the Criminal Code corresponds to the Palermo Protocol and provides for punishments according to the Protocol. Section 159.B addresses recidivism and severe forms of trafficking and provides for punishments according to the Protocol. A 2004 amendment to the Criminal Code allowed for prosecution of intermediaries involved in baby smuggling. Further revisions to the Code, in effect since October 2006, specifically criminalized trafficking of pregnant women for the purpose of baby selling. A separate provision punishes the mothers who consent to the sale, both in the country and abroad. The Criminal Code also punishes rape, slavery, forced prostitution and activities related to prostitution. Current Bulgarian legislation allows for the investigation and prosecution of all forms of human trafficking, not only the most severe forms mandated by the Palermo Protocol. Trafficking is among the offenses covered by the 2005 Asset Forfeiture Law, which allows for confiscation of illegally acquired property. Victims of trafficking can also sue for civil damages.

B. All forms of human trafficking are equally penalized, regardless of the form of exploitation. The punishment for trafficking in persons may include 1 to 8 years in prison and fines up to approximately \$5,000 (8,000 leva). If aggravated circumstances exist -- e.g., a minor or kidnapping was involved -- penalties increase to 2 to 10 years in prison and fines of up to approximately \$6,250 (10,000 leva). Penalties for trafficking persons across borders increase to 3 to 10 years' imprisonment and fines of up to approximately \$9,375 (15,000 leva). The same increased punishment is provided for trafficking of pregnant women for the purpose of baby selling. If the act of trafficking was carried out in connection with an organized crime group or constituted a serious repeat offense, penalties increase to 5 to 15 years' imprisonment with fines of up to approximately \$12,500 (20,000 leva) and the possibility of forfeiture of assets.

Inducement to prostitution is punishable by up to 3 years' imprisonment. Prior to the October 2006 revisions of the Criminal Code, the penalty rose to 10 to 20 years if the crime was performed by or through an organized crime group, if the victim was a minor under age 18 or legally incompetent, if two or more persons were

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induced into prostitution, or if the offense was repeated. In October 2006, amendments to the law inadvertently created a loophole that significantly limited penalties for inducement to prostitution.

In a particularly notorious case, a defendant who was appealing his 12-year sentence when the law was amended was released because the new maximum penalty for his crime was three years. After a public outcry, Parliamentarians moved to correct the loophole and reinstate the original penalties. At the time of this report, the revision was still moving through Parliament.

C. As described in paragraph B, labor trafficking is covered by the same legal clauses and warrants the same punishments as other forms of trafficking. Labor recruiters and employers who falsely entice workers or forcibly hold them in the destination countries can be punished with up to 10 years imprisonment. Law enforcement officials report an increase in Bulgarian citizens trafficked abroad for labor purposes, especially to Greece. With Bulgaria's accession to the European Union, labor flow to other EU countries is expected to increase. At the time of this report, the prosecution was investigating 6 labor-trafficking cases and awaiting responses to letters rogatory from the Greek authorities.

D. Sentences for rape range between 2 and 8 years' imprisonment; sentences increase to between 3 and 10 years if the perpetrator is a repeat offender, or if the victim is underage or a descendent relative. In cases where rape results in serious bodily injury or suicide of the victim, sentences range between 10 and 20 years.

E. Prostitution is not prohibited by law but is also not legally regulated. In February, a working group led by the Interior Ministry was set up to draft prostitution-specific legislation. Under the Criminal Code, a variety of activities often associated with prostitution, such as pimping, are illegal. Penalties for related activities include up to 3 years imprisonment for pimping and up to 5 years imprisonment for operating organized prostitution establishments. Forced prostitution is illegal and is punishable by up to 6 years imprisonment for perpetrators or between 3 and 10 years imprisonment for government officials involved in the activity.

F. According to the prosecution service 219 trafficking investigations were initiated during the year against 272 individuals. 202 of the investigations concerned trafficking for the purpose of sexual exploitation, 6 dealt with labor exploitation and 11 pertained to trafficking of pregnant women for the purpose of baby selling. As a result, the prosecutors filed in court 72 indictments against 129 individuals, 3 of whom were foreign nationals. A total of 71 persons were convicted on trafficking charges and 5 were acquitted. In addition, 138 investigations were launched against 168 persons for enticement into prostitution which

resulted in 37 indictments against 53 individuals. The courts passed 42 sentences. In some of the cases the prosecutors pressed multiple charges against the perpetrators. Offenders convicted of trafficking generally served the full sentences mandated by the court.

¶G. In larger cities such as Sofia, Plovdiv, Varna and Burgas, sexual exploitation tends to be controlled by organized criminal organizations while small crime groups and freelance operators are involved in smaller cities and towns. There have been some reports of agencies offering foreign employment opportunities operating as fronts for trafficking operations; however, according to the government and NGOs, the vast majority of Bulgarian trafficking victims are recruited individually through a friend, relative, or acquaintance.

¶H. The government actively investigates trafficking cases, as reflected in statistics provided in paragraph F of this section. The Military Prosecution Service also actively investigates and prosecutes crimes perpetrated by military and law enforcement personnel, including trafficking-related offenses.

The Criminal Procedure Code provides for the use of special investigative techniques for collecting evidence in trafficking cases. The MOI reported that special investigative techniques are actively used in combating organized crime and trafficking. Permitted special techniques include surveillance, interception, tracing of persons, entry into premises, monitoring of correspondence and marking of objects. Covert operations are permitted under the revised Criminal Procedure Code, which took effect in May 2006.

¶I. As discussed in paragraph C of the prevention section, the  
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government and its international and NGO partners provide front-line law enforcement officers with training in the identification and investigation of cases of trafficking.

¶J. The GOB actively cooperates with other governments in investigating and prosecuting cases of trafficking. During the year, there were Bulgarian liaison officers from the MOI working in Athens, Berlin, London, Madrid, Paris, Prague, Skopje, Vienna, Warsaw, at Europol in The Hague, at the SECI Center in Bucharest, and in other locations. These liaison officers actively worked on international trafficking investigations. Bulgarian law enforcement authorities continued joint investigations with French, Italian and Greek counterparts into the trafficking of Bulgarian infants to France, Italy and Greece.

¶K. In 2005, the Bulgarian Parliament adopted an amendment to the Constitution allowing the extradition of Bulgarian citizens for crimes committed abroad pursuant to international treaty. Under the terms of the Palermo Protocol, this provision applies to human trafficking as well as other crimes. Implementing legislation allowing for the extradition of Bulgarian nationals has been in force since July 2005. During the year, the Prosecution granted 33 requests for extradition on trafficking charges. 31 of them were Bulgarian nationals and 3 were third-country nationals.

¶L. There is no evidence of government involvement in or tolerance of trafficking on an institutional level. However, there have been reports of low-level law enforcement officials being involved in trafficking-related corruption.

¶M. During the year one police officer was convicted of enticement into prostitution.

¶N. Bulgaria does not have an identified child sex tourism problem.

¶O. Bulgaria has signed and ratified the following international instruments:

- ILO Convention 182 was ratified 28 July 2000;
- ILO Convention 29 was ratified 22 September 1932;
- ILO Convention 157 was ratified 23 March 1999;
- UN Convention on the Rights of the Child (CRC) was signed 31 March 1990 and ratified 3 June 1991. The Optional Protocol to the CRC on Sale of Children, Child Prostitution and Child Pornography was signed 8 June 2001 and ratified 12 February 2002;
- UN Convention Against Transnational Organized Crime and the supplemental Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children were signed 13 December 2000 and ratified 5 December 2001.

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PROTECTION AND ASSISTANCE TO VICTIMS-----

. The 2003 Anti-Trafficking Act created a special immigration status for foreign trafficking victims who choose to cooperate in trafficking investigations. The status provides for full residency and employment rights until the end of criminal proceedings. For foreign citizen victims who choose not to cooperate in trafficking investigations, the GOB provides 10 days plus one month for recovery; if at the end of the recovery period victims still choose not to cooperate in the trafficking investigation, they are transported to their country of origin. The recovery period for foreign citizen child victims, at the recommendation of the SACP, is ten days plus two months. The Anti-Trafficking Act provides for repatriated Bulgarian trafficking victims to receive the same assistance and care as foreign and Bulgarian trafficking victims identified within the country. NGOs and government agencies do not distinguish between foreign victims and Bulgarian citizens in providing assistance to trafficking victims.

Trafficking victims receive voluntary, confidential, free medical care through public hospitals and NGOs such as Medecins sans Frontieres (MSF). Psychological and psychiatric care provided to victims of trafficking by NGOs such as AAF and MSF is rated by the IOM as among the highest-quality in Southeastern Europe.

The Government referred trafficking victims to the IOM and NGOs (primarily the AAF) for sheltering and assistance with legal and

other needs. In September the Government opened the first of three planned crisis centers for children victims of trafficking, aimed to help rehabilitate and integrate the children through specialized

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treatment and education. The center is under 24-hour police protection. It offers psychological and medical assistance to victims and has the capacity to shelter 10 kids aged between 6 and 18 for a period of up to 6 months. The center's social workers seek to ensure the safe return of the children in their biological families after this period expires and, whenever necessary, to find them appropriate accommodation in a specialized institution or a foster family.

**B.** The Government supports the IOM and NGOs in their assistance to trafficking victims. Part of this assistance includes providing facilities and police protection for IOM-operated shelters and safe houses throughout the country.

**C.** MOI law enforcement personnel routinely refer victims of trafficking to the NGO partners mentioned above. Training modules employed by government agencies emphasize sensitivity and the importance of differentiating between trafficking victims and offenders. Consular officers posted to Bulgarian embassies and law enforcement personnel received training on recognizing trafficking victims and how to refer victims to the IOM and NGOs for legal, medical and psychological assistance.

**D.** According to the IOM, victims are treated with full respect for their rights, according to international norms, and are not treated as criminals. Victims are generally not detained, fined, or prosecuted for minor offenses.

**E.** The GOB encourages victims to assist in the investigation and prosecution of trafficking cases and provides special status for foreign citizen victims who choose to render such assistance. A witness protection program is available to Bulgarian citizen victims who choose to render similar assistance. All trafficking victims have the right to seek assistance from government agencies, and these agencies are obligated to assist them. Victims can also file civil suits for material and moral damages suffered.

**F.** Legislation governing the government's witness protection program was adopted in 2004, and the program's initial implementation began in 2005. Trafficking victims have been protected under this program, which offers special protection measures to witnesses, victims, defendants, suspects, convicts, and experts providing essential testimony, explanations, or information in trafficking cases, as well as their close relatives. Protective measures for witnesses range from being provided a personal guard and temporary placement in safe houses to changing residence or workplace to changing identity in extreme cases. The legislation also provides for witnesses to be transferred abroad if there are not sufficient security guarantees in country.

**G.** In association with the IOM and NGOs, the Government conducted trafficking prevention and awareness programs, including programs for law enforcement officers and consular officers posted to Bulgarian embassies abroad. These programs included segments addressing the legal provisions relating to human trafficking as operational and psychological treatment for trafficking victims.

**H.** The Government referred repatriated Bulgarian trafficking victims to the IOM and NGOs (primarily AAF) for legal, medical and psychological assistance. The Anti-Trafficking Act provides for repatriated Bulgarian trafficking victims to receive the same assistance and care as trafficking victims identified within the country.

**I.** The IOM is the primary organization involved in addressing trafficking and assisting trafficking victims. The AAF and NCF also provide assistance to trafficking victims. All three organizations report having excellent cooperation with Government officials, on a national and local level, including support for shelters and awareness/prevention campaigns, referring victims to the organizations for assistance and providing protection and support to the organizations and their representatives.

BEYRLE